

November 15, 2016

**VIA ELECTRONIC FILING**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: WC Docket No. 11-42 – Lifeline and Link Up Reform and Modernization  
WC Docket No. 09-197 – Telecommunications Carriers Eligible for Universal  
Service Support  
WC Docket No. 10-90 Connect America Fund  
EX PARTE PRESENTATION**

Dear Ms. Dortch:

On November 9, 2016, this office filed on behalf of its client, TracFone Wireless, Inc. (“TracFone”), an ex parte letter in the above-captioned docketed proceedings. The purpose of that letter was to provide to the Commission information about the state databases which are used by TracFone and by other Eligible Telecommunications Carriers (“ETCs”) providing Lifeline service to verify the program-based eligibility of applicants for enrollment in the Lifeline program. In that letter and attached chart, TracFone provided to the Commission information showing that twenty of twenty-one such state databases used by TracFone and other Lifeline providers contain enrollment information for Lifeline-qualifying programs and for programs which will no longer be Lifeline-qualifying programs commencing December 2, 2016 following implementation of the revisions to the Commission’s rules governing Lifeline eligibility. The letter further described why this situation would become problematic, specifically, because those databases only provide qualified (“yes”) or unqualified (“no”) responses to database queries without identifying the specific programs in which those Lifeline applicants are enrolled.

Attached hereto is a November 14, 2016 letter sent to ETCs in the State of New Jersey by the New Jersey Board of Public Utilities. That letter indicates that effective December 1, 2016, the New Jersey Lifeline Eligibility Database will be modified to eliminate the state-specific Lifeline eligibility programs which will no longer be Lifeline-qualifying programs under the revised Commission rules scheduled to become effective December 2, 2016. That is a positive development since it will address the Lifeline eligibility program problem prior to the effective date of the revised rules. In addition, on November 15, TracFone was notified telephonically that the Pennsylvania database will be revised prior to December 2, 2016 to exclude two no-longer-Lifeline-qualifying programs – Temporary Assistance for Needy Families and the Low Income Home Energy Assistance program.

Significantly, as of the date of this letter, no other state has notified TracFone that it will complete revisions to its Lifeline eligibility database to conform to the revised Commission

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eligibility criteria prior to the December 2, 2016 effective date. Therefore, it is imperative that the Commission grant limited waivers to certain states as requested by the United States Telecom Association and several petitioning states to allow those states a reasonable period to modify their state laws and regulations and their state eligibility databases so as to be consistent with the revised Commission-established Lifeline eligibility criteria.

Pursuant to Section 1.1206(b) of the Commission's rules, this letter is being filed electronically. If there are questions, please communicate directly with undersigned counsel for TracFone.

Sincerely,



Mitchell F. Brecher

Attachment

Cc: Ms. Gigi Sohn  
Ms. Lisa Hone  
Mr. Claude Aiken  
Mr. Travis Litman  
Mr. Matt DelNero  
Mr. Ryan Palmer  
Mr. Trent Harkrader  
Ms. Garnet Hanly

# Attachment

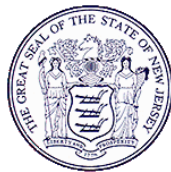
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November 14, 2016

TO ALL NEW JERSEY DESIGNATED ELIGIBLE TELECOMMUNICATIONS CARRIERS (ETCs)

Re: Updates to the New Jersey Lifeline Eligibility Database

On April 27, 2016, the Federal Communications Commission (FCC) released WC Docket No. 11-42 *Lifeline and Link-Up Reform and Modernization* Order. In that Order, the FCC revised the eligibility criteria for participation in the Lifeline program.

In doing so, the FCC eliminated all state-specific eligibility programs and modified some of the Federal requirements. As you are aware, only three of the Federally-eligible programs administered by the state are captured in the existing New Jersey database. They are: 1) Supplemental Nutrition Assistance Program (SNAP), 2) Medicaid and 3) Supplemental Security Income (SSI).

Therefore, effective December 1, 2016, the New Jersey Lifeline Eligibility Database will be modified to eliminate the state-specific programs which are no longer being used for eligibility. ETCs will still be required to query the database prior to enrolling participants. However, of the seven criteria approved by the FCC, only the three above-mentioned programs will be electronically available for query in the NJ database.

While the FCC is working towards a National Eligibility Database, it will not be on-line in time for the transition. ETCs will need to comply with the revised Federal rules and query the federal database in order to enroll participants whose eligibility is properly obtained through other programs.<sup>1</sup> In addition, all ETCs must update their enrollment forms and provide a copy to the Office of Cable Television & Telecommunications within 14 days of the date of this letter.

Should you have any questions or concerns, please call the Office of Cable Television & Telecommunications at 609-633-9740. Thank you.

Very truly yours,

Lawanda R. Gilbert, Director  
Office of Cable Television & Telecommunications

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<sup>1</sup> The four remaining eligible programs recognized by the FCC are : 1) Federal Public Housing Assistance (Section 8), 2) Tribal Programs, 3) Veteran's Pension & Survivor's Pension Benefits, and 4) Income at or below 135% of the Federal Poverty Guidelines.